

**DELEGATION OF AUTHORITY  
FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)**

Civil Judicial Enforcement Actions, Including Collection Actions

1. **AUTHORITY.**
  - a. To request the Attorney General to appear and represent the agency in any civil enforcement actions, including actions to collect unpaid penalties, and to intervene in any civil enforcement actions instituted under the Federal Insecticide, Fungicide and Rodenticide Act;
  - b. to request the AG to decline to prosecute a previously referred civil enforcement action or cease prosecution of a previously filed civil judicial action;
  - c. [This authority is not redelegated]
2. **TO WHOM REDELEGATED.** The authorities in 1.a. and 1.b. are redelegated to the Regional Counsel, Office of Regional Counsel, or equivalent.
3. **LIMITATIONS.**
  - a. The regional administrator must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the action before exercising the authorities in 1(a) and (b). The regional counsel, or equivalent, may waive concurrence in writing.
  - b. The AA for OECA must notify the appropriate regional administrator or regional counsel prior to exercising the authorities in 1(a)-(c).
  - c. The regional administrator or regional counsel must notify the OECA AA when exercising the authority in 1(a) and prior to exercising the authorities in 1(b). The OECA AA may waive the requirement for notification in writing.
4. **REDELEGATION AUTHORITY.**
  - a. The authorities in 1.a. and 1.b. may be redelegated to the branch chief level, or equivalent, and no further.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **SUPERSESSSION.** This delegation supersedes R10 5-17-A (10/28/2004) and any other delegation of the same authority.

**6. ADDITIONAL REFERENCES.**

- a. Memorandum of Understanding between the agency and the Department of Justice, June 1977, 42 Fed. Reg. 48942 (1977).
- b. Section 16(c) of FIFRA.
- c. See the Chapter 5 delegation entitled "Emergency TRO's" for RAs' authority to make direct referrals of request for emergency FIFRA Temporary Restraining Orders.
- d. EPA Delegation 5-17-A.

APR 15 2019

Date

A handwritten signature in black ink, appearing to read "CH Hladick", written over a horizontal line.

Chris Hladick  
Regional Administrator